

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4046 of 2017

Hitesh Kumar Sahu, S/o. Prabhuram Sahu, Aged About 32 Years, R/o. Village Kongni, Post Chourel, Police Station Arjunda, Tahsil Gunderdehi, District Balod (Chhattisgarh)

--- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, Balod, District Balod (Chhattisgarh)

-- Respondent

For the Applicant : Mr. Anil Gulati, Advocate

For the Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.06.2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.193/2016 registered at Police Station- Arjunda, District Balod (C.G) for the offence punishable under Section 420, 467, 468, 471 r/w. 34 of Indian Penal Code. The first bail application was dismissed as withdrawn on 22.12.2016 in MCRC No.8272 of 2016.
2. As per the prosecution case, a report was made by Kishore Kumar Sahu that in order to provide job to his son Raka in the Collectorate in the post of Peon, the applicant had obtained Rs.4,50,000/- and likewise to provide job of Nurse to the daughter Vandana Sahu, the applicant has again received Rs.4,40,000/-; thereby total Rs.9,90,000/-. Subsequently, forged appointment letter was given. When the amount was demanded back, an agreement was

executed and thereafter a fabricated suit was also filed to avoid the payment.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. The earlier bail application was dismissed as withdrawn wherein it was submitted that the applicant wants to make effort to return the alleged amount and on that ground the bail application was withdrawn, however, now the applicant wants an order on merit.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the earlier bail rejection order dated 22.12.2016 wherein categorical submission was made by the applicant through his counsel that he wants to make effort to return the amount, however, again the bail application has been filed and submission is made with all arrogance that he wants an order on merit without explaining the earlier stand.
6. Perusal of the statement of the complainant would show that the applicant by deceive means in order to provide job to son and daughter of the complainant has received huge amount and thereafter had tried to create pressure by filing the false civil suit. Likewise, earlier when the bail application was dismissed as withdrawn on 22.12.2016 the categorical submission was made that the applicant wants to pay the amount, however, instead of that the applicant is trying to come out of his own submission so as to avoid the payment. It is completely unfortunate and such submission if are made by the counsel then in such case the applicant is also bound by it and if such instructions did not prevailed then it amounts to professional misconduct. Considering

the totality of the facts and the statement of the complainant, I do not find it a fit case to reconsider and release the applicant on bail.

7. Accordingly, the second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok